

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:17-cr-5-MOC-WCM-1**

UNITED STATES OF AMERICA,)
vs.)
CHRISTOPHER SHELTON,)
Defendant.)

THIS MATTER comes before the Court on Defendant's pro se Motion for Compassionate Release/Reduction of Sentence. (Doc. No. 41). Defendant, a 39-year-old white male currently incarcerated at FCI Beaumont, in Beaumont, Texas, seeks a reduction of his sentence based on the COVID-19 pandemic. Defendant seeks release based on various medical conditions that he contends make him more susceptible to contracting COVID-19.

Title 18, Section 3582(c)(1)(A)(i) authorizes criminal defendants to request compassionate release from imprisonment based on “extraordinary and compelling reasons.” The Court notes that the BOP denied Defendant’s request on June 2, 2020, finding that his circumstances do not warrant granting him early release. (Doc. No. 41-1 at 10). Specifically, the BOP stated in its denial letter that:

your stated medical concerns of high blood pressure, diabetes and kidney damage does not meet the above-referenced criteria.

(Id.).

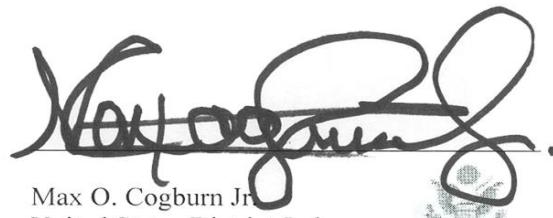
This Court finds, as did the BOP, that Defendant has not established extraordinary and compelling reasons to warrant a sentence reduction at this time. Defendant has not submitted evidence to the Court showing that he has an increased health risk from COVID-19. As the Third Circuit has recognized, “the mere existence of COVID-19 in society and the possibility that it may

spread to a particular prison alone cannot independently justify compassionate release.” United States v. Raia, No. 20-1033, 2020 WL 1647922, at *2 (3d Cir. Apr. 2, 2020). For these reasons, the motion is denied.

ORDER

IT IS, THEREFORE, ORDERED that Defendant’s pro se Motion for Compassionate Release/Reduction of Sentence, (Doc. No. 41), is **DENIED**.

Signed: July 22, 2020



Max O. Cogburn Jr.
United States District Judge